



2011 ASSEMBLY JOINT RESOLUTION

- 1 **To amend** section 11 of article VII of the constitution; **relating to:** temporary service
2 by a court of appeals judge in the supreme court in judicial disciplinary
3 proceedings (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2011 legislature on first consideration, is explained in the PREFATORY NOTE provided by the Joint Legislative Council.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This proposed constitutional amendment was prepared for the Joint Legislative Council's Special Committee on Judicial Discipline and Recusal.

Article VII, Section 11 of the Wisconsin Constitution provides that justices and judges are subject to reprimand, censure, suspension, removal for cause or for disability, by the Wisconsin supreme court pursuant to procedures established by the legislature.

The judicial commission is charged with investigating the alleged misconduct or permanent disability of a judge. If the judicial commission finds probable cause that a judge is engaging or has engaged in misconduct, it files a formal complaint with the supreme court. If the judicial commission finds probable cause that a judge has a permanent disability, it files a petition with the supreme court. [s. 757.85, stats.] After the judicial commission finds probable cause of misconduct or permanent disability and before it files a complaint or petition, the matter is heard by a panel consisting of either 3 court of appeals judges or 2 court of appeals judges and one reserve judge or by a jury. The supreme court reviews the findings of fact, conclusions of law, and recommendations

